

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF CLAIMS

Claims 1-30 are pending.

B. UNITY OF INVENTION

In response to the Unity of Invention requirement, Applicant elect, with traverse, to prosecute in this patent application Group I, including claims 1-17, drawn to an isolated human antibody or fragment thereof which binds selectively to KDR, an isolated polynucleotide which encodes an amino acid, an expression vector, and a recombinant host cell. This response is made with traverse and it is respectfully urged that all of the pending claims be examined together.

The Examiner has taken the position that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1. On the contrary, the special technical feature of the present invention is a finding that neutralizing activation of KDR is related to angiogenesis. Neutralizing the activation of KDR is due to human antibodies of the present invention binding to KDR and blocking binding of vascular endothelial growth factor (VEGF) to KDR. Thus, human antibodies of the present invention can be used for treating neoplastic diseases and hyperproliferative disorders. Since the corresponding special technical feature is the neutralizing activation of KDR, applicants believe that the inventions listed as Groups I and II form a single general inventive concept under PCT Rule 13.1.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added; Manual of Patent Examining Procedure, § 803, second paragraph).

Thus, for reasons of efficiency in prosecution, the Examiner is respectfully requested to reconsider and withdraw the present Restriction Requirement.

There is no change in inventorship based upon this selection.

C. ELECTION OF SPECIES

In response to the requirement to elect species, applicant notes that since Group I was elected, the requirement to further elect one tumor and agent species is not applicable.

D. REJOINDER

Applicant reserves the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not found to be persuasive.

E. FEES

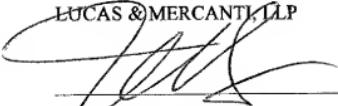
This response is being filed with a Petition for a 5 month Extension of Time and the extension fee is hereby paid via credit card authorization. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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